



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FIKES *et al.*

Appl. No. 09/458,297

Filed: December 10, 1999

For: **Inducing Cellular Immune
Responses To p53 Using
Peptide and Nucleic Acid
Compositions**

Confirmation No. 8696

Art Unit: 1644

Examiner: Haddad, M.

Atty. Docket: 2060.0120000/EKS/HCC/M-M

Reply To Restriction Requirement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated **October 3, 2003**, requesting an election of one invention and requesting an election of species to prosecute in the above-referenced patent application, Applicants hereby provisionally elect the invention and species listed below. All of the following elections are made without traverse.

Insofar as the Examiner requires a restriction to one invention under 35 U.S.C. § 121, Applicants hereby elect the invention of Group 2, represented by claims 1-4, 7-9, and 37-38. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

Insofar as the Examiner requires an election of a single disclosed species under 35 U.S.C. § 121, Applicants hereby elect the peptide KTCPVQLWV, corresponding to SEQ ID NO: 103. Claims 1-4, 7-8, and 37-38 read on the elected species. The above-listed election of species is made without prejudice to or disclaimer of the other claims or inventions disclosed.

Applicants reserve the right to claim additional species in the event that a generic claim thereto is found to be allowable in accordance with 37 C.F.R. § 1.141(a). Consideration and allowance of all pending claims are respectfully requested.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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